

# **Tribal Border Infrastructure Program 2006 Request for Proposals**

**Agency Name:** U.S. Environmental Protection Agency, Region 9  
**Funding Opportunity Name:** Tribal Border Infrastructure Program  
**Announcement Type:** Initial Announcement  
**Funding Opportunity Number:** EPA-R9-WTR1-06-005  
**Catalogue of Federal Domestic Assistance Number:** 66.202

## **Overview**

The U.S. Environmental Protection Agency (EPA) Region 9 is soliciting proposals for the Tribal Border Infrastructure Program. This program funds high priority wastewater and drinking water infrastructure projects on federally-recognized Indian lands within 62 miles (100 kilometers) of the U.S. / Mexico Border. EPA anticipates that up to \$1.2 million will be available for awards under this program. This assistance will be awarded using State and Tribal Assistance Grants authorized by the statutory authority of the Appropriations Act of 2006. Funding will be awarded through either grants by the EPA or interagency agreements (IAGs) with the Indian Health Service (IHS).

## **Important Dates:**

<b>3/28/06</b>	<b>Proposals must be postmarked or received through Grants.gov by this date.</b>
4/07/06	EPA tentatively selects proposals for awards. Project sponsors will be requested to submit either: (1) draft Project Summaries and Memorandum of Agreements (PS/MOAs) for projects to be funded by IAG with IHS, or (2) grant applications and workplans for projects to be funded by direct grant from EPA.
5/05/06	Draft PS/MOAs, and grant applications and workplans, as applicable, must be postmarked by this date.
9/30/06	EPA awards grants to recipients and/or enters into IAGs with IHS.

The dates above (other than the March 28, 2006 proposal submission date) are anticipated dates and may be subject to change. See Section IV for further information on submission methods and dates.

## **Contents of Guidance:**

- I. Funding Opportunity Description
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  - III. Eligibility Information
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  - VII. Agency Contacts
- Attachment 1: Guidance for Project Eligibility and Design under the Region IX Tribal Border Infrastructure Program (Draft)
- Attachment 2: Grants.gov Proposal Instructions

# **Tribal Border Infrastructure Program 2006 Request for Proposals**

**Funding Opportunity Number: EPA-R9-WTR1-06-001**

## **Full Text of Announcement**

### **I. Funding Opportunity Description**

The U.S. Environmental Protection Agency (EPA) Region IX is soliciting proposals for the Tribal Border Infrastructure Program. This program funds high priority wastewater and drinking water infrastructure projects on federally-recognized Indian lands within 62 miles (100 kilometers) of the U.S. / Mexico Border. EPA anticipates that up to \$1.2 million will be available for awards under this program. Funding will be awarded through either grants from EPA or IAGs with IHS.

This assistance will be awarded using the statutory authority of the Appropriations Act of 2006. The Appropriation Act of 2006 provided funds for the U.S. / Mexico border program. EPA allocated a portion of these funds for the Tribal Border Infrastructure program. The Appropriations Act states, in part, that the funds “shall be for architectural, engineering, planning, design, construction and related activities in connection with the construction of high priority water and wastewater facilities.”

This program falls under EPA’s strategic plan Goal 4, Subobjective 2.14 for Healthy Communities and Ecosystems in the U.S. / Mexico Border region.

### **Environmental Results: Outputs and Outcomes**

EPA policy requires that all grant and cooperative agreement applicants and recipients adequately address environmental outputs and outcomes. Outputs and outcomes differ both in their nature, and in how they are measured.

- **OUTPUTS:** The term “output” means an environmental activity, effort, and/or associated work products related to an environmental goal and objective, that will be produced or provided over a period of time or by a specified date. Outputs may be quantitative or qualitative but must be measurable during an assistance agreement funding period.
- **OUTCOMES:** The term “outcome” means the result, effect or consequence that will occur from carrying out an environmental program or activity that is related to an environmental or programmatic goal or objective. Outcomes may be environmental, behavioral, health-related or programmatic in nature, but must be quantitative. They may not necessarily be achievable within an assistance agreement funding period.

The expected outputs from awards under this announcement include, but are not limited to, planning, design and construction of drinking water and wastewater infrastructure for federally recognized tribes in the U.S. / Mexico Border region. The expected outcome of the awards under this announcement is the provision of safe drinking water and basic sanitation for these tribes.

Examples of the types of projects that may be funded under this announcement include but are not limited to:

*Drinking water projects*

- New wells to replace contaminated sources
- New water storage tanks to provide needed capacity
- Treatment/disinfection systems to ensure compliance with the Safe Drinking Water Act
- New distribution systems to replace old, small diameter lines susceptible to contamination

*Wastewater projects*

- Collection systems to replace failing individual septic tanks and pit privies
- Wastewater treatment facilities
- Repair or replacement of cracked sewer lines

## **II. Award Information**

EPA Region VI and/or Region IX will award grants and IAGs up to \$1.2 million in total for high priority wastewater and drinking water infrastructure projects on Indian lands within 62 miles (100 kilometers) of the U.S. / Mexico Border. Tribes may choose to have their projects funded by an IAG with IHS, or by a direct grant from EPA.

EPA estimates that 1-4 projects will be funded under this announcement. Project budgets typically range from \$250,000 to over \$1 million. Tribes that previously received funding from this program are eligible to apply for funding for a new project, assuming the project is outside the scope of the previously funded project.

Funding for projects is not guaranteed and is subject to the availability of funds. EPA reserves the right to reject all proposals or applications and make no awards under this announcement.

EPA reserves the right to partially fund proposals by funding discrete activities, projects, or phases of proposals. If EPA decides to partially fund proposals, it will do so in a manner that does not prejudice any applicants or affect the basis upon which the proposal, or portion thereof, was evaluated and selected for award, and that maintains the integrity of the competition and evaluation/selection process.

## **III. Eligibility Information**

### **Applicant Eligibility:**

All federally recognized Tribes located within 62 miles (100 kilometers) north of the U.S. / Mexico Border are eligible to apply for funding.

### **Additional Applicant Eligibility Criteria:**

1. Proposals must be for high priority drinking water or wastewater infrastructure projects to be performed on federally recognized tribal lands within 62 miles (100 kilometers) north of the U.S. / Mexico Border. Proposals to perform projects outside the 62 mile U.S. / Mexico Border region are not eligible for funding and will be rejected.
2. Tribes that previously received funding under this program are eligible to compete for funding under this announcement so long as they are proposing a new project outside the scope of the previously funded project.
3. Projects with transboundary (U.S. and Mexico) impacts must be certified by the Border Environment Cooperation Commission (BECC) under its criteria for certification of environmental infrastructure projects. This threshold eligibility criterion must be complied with prior to grant award, or no grant will be awarded.
4. All project proposals must be submitted by the Tribal Chairperson or his/her designee. For proposals submitted through Grants.gov as described in Section IV, the electronic signatures of the Tribe's Authorized Organization Representative shall satisfy this criterion. This threshold eligibility criterion must be complied with by the proposal due date. Failure to meet this criterion by the proposal due date will result in rejection of the proposal.

Cost Matching: No matching funds are required.

Attachment 1 contains draft Guidance for Project Eligibility and Design under the Tribal Border Infrastructure Program.

### **IV. Application and Submission Information**

A. Proposal Content: Proposals must contain the following information and meet the following requirements:

1. Proposals must be submitted by the Tribal Chairperson or his/her designee. For proposals submitted through Grants.gov, the electronic signatures of the Tribe's Authorized Organization Representative shall satisfy this criterion.
2. Tribe name and address. Tribes must be within 62 miles north of the U.S. / Mexico Border Region.
3. Contact person with phone number, fax number and email address
4. Project name
5. Whether the Tribe wants EPA funds to be provided through an IAG between EPA and the IHS, or through a direct grant between EPA and the Tribe.
6. A map of the project showing the project's location on the reservation.
7. A complete description of the project, including any available documents, such as feasibility studies, environmental studies, and design documents. See Feasibility Study Guidance in Appendices B and C of Attachment 1.
8. A complete description of the public health or water quality problem to be addressed by the project. Describe whether the project addresses any of the following and provide any supporting documentation:
  - a. Existing threats to public health

- b. Existing water quality issue of significant environmental/ecological impact
  - c. Potential acute threats to health
  - d. Long-term/chronic exposure to non-acute human health impacts
  - e. Existing water quality issue that does not have a significant human health or ecological/environmental impact
9. The existing and planned number of houses, tribal members and non-tribal members to be served by the project. List also any non-residential users to be served by the project, and the capacity that is designed to serve these users as a percentage of the total design capacity.
  10. The existing and planned number of houses, tribal members and non-tribal members to be served by the project. List also any non-residential users to be served by the project, and the capacity that is designed to serve these users as a percentage of the total design capacity.
  11. An itemized estimate of project costs, the funding requested, and any other funds to be contributed to the project. For budgetary purposes, EPA will calculate the eligible planning and design costs using Table 1 – Allowance for Facilities Planning and Design from the EPA federal regulation 40 CFR Part 35, Subpart I, Appendix B. A 2.5% project administration fee will be allowed for direct grants and tribal procurement, based on construction costs. Costs incurred prior to award will not be reimbursed.
  12. EPA funds requested for the project. The source and amount of any other funds available for the project.
  13. Status of the project. Has planning, environmental or design work been completed? If so, submit a copy with the proposal.
  14. A short (approximately one page) itemized estimate of operation and maintenance (O&M) costs, and the Tribe's plan for funding these costs. If the proposed project will connect to an existing system, the estimate must include the O&M costs for the entire system. Also, attach the O&M rate structure and the actual O&M revenues and expenditures for the previous two years.
  15. Describe the Tribe's O&M capacity; e.g., does the Tribe have a utility structure, water board, tribal resolutions, ordinances, certified operators, meters and a rate structure which charges according to use? Also, indicate any plans the Tribe has to improve its O&M capacity.
  16. A timeline for completing the project, including target dates for starting and completing planning, design and construction. All projects should have an anticipated start date of October 1, 2006. All projects should be completed within 3 years.
  17. An indication of whether the project has the potential to impact resources (e.g., aquifer, river) that are shared with Mexico. As stated above, projects with transboundary (U.S. and Mexico) impacts must be certified by the Border Environment Cooperation Commission (BECC) prior to grant award. For other projects, EPA will also consult with BECC regarding all selected proposals.
  18. The applicants plan/approach for tracking and measuring their progress towards achieving the expected outputs and outcomes identified in Section 1 of this announcement.
  19. Information regarding the applicants past performance in documenting and/or reporting on their progress towards achieving the expected outcomes and outputs (e.g., results) under all EPA assistance agreements similar in size, scope and relevance to the proposed agreement performed within the last three years. For each such agreement, the applicant

should submit information showing that progress/technical reports or other documentation generated under the agreement adequately demonstrated progress towards achieving the expected outputs and outcomes of the agreement, with an explanation if satisfactory progress was not achieved. Applicants should identify the agreements and a point of contact for each agreement. EPA will consider the information provided by the applicant and may also consider other relevant information, including information from Agency files and from prior (and current if appropriate) grantors the applicant had agreements with. Applicants who have no such past performance information should indicate this in the proposal. See Section V also.

It is recommended that confidential business information not be included in your proposal.

## **B. PROPOSAL SUBMISSION REQUIREMENTS**

Tribes may choose to submit a proposal in *one of two ways; by hard copy or through grants.gov*. Tribes that decide to apply with a hard copy submission must follow the “Hard Copy Submission” instructions below. Tribes that choose to submit a proposal electronically via Grants.gov must follow the appropriate instructions under “Electronic Submission” below. Only one method may be used.

### **Hard copy submission**

Proposals, prepared as described in IV.A above, submitted by hard copy must be **postmarked by March 28, 2006** and submitted to the address below. Proposals submitted by hard copy should not include a Standard Form (SF) 424 Application for Federal Assistance.

**Linda Reeves  
Tribal Border Infrastructure Program Coordinator  
EPA Region IX, WTR-10  
75 Hawthorne Street  
San Francisco, CA 94105**

Proposals postmarked after March 28, 2006 will not be considered.

### **Electronic submission Thru Grants.Gov**

If you wish to submit your proposal package electronically via Grants.gov, the electronic submission of your proposal package must be made by an official representative of your institution who is registered with Grants.gov and authorized to sign applications for Federal assistance. For more information, go to <http://www.grants.gov> and click on “Get Started,” and then click on “For AORs” (Authorized Organization Representative) on the left side of the page. *Note that the registration process may take a week or longer to complete.* If your organization is not currently registered with Grants.gov, please encourage your office to designate an AOR and ask that individual to begin the registration process as soon as possible.

To begin the application process for this grant program, go to <http://www.grants.gov> and click on the “Apply for Grants” tab at the top of the page. Then click on “Apply Step 1: Download a Grant Application Package and Application Instructions” to download the PureEdge viewer and

obtain the application package and instructions for applying under this announcement using grants.gov ([https://apply.grants.gov/forms\\_apps\\_idx.html](https://apply.grants.gov/forms_apps_idx.html)). You may retrieve the application package and instructions by entering the Funding Opportunity Number, EPA-R9-WTR1-06-005, or the CFDA number, in the space provided. Then complete and submit the proposal package as indicated. You may also be able to access the application package by clicking on the button “How To Apply” at the top right of the synopsis page for this announcement on <http://www.grants.gov> (to find the synopsis page go to <http://www.grants.gov> and click on the “Find Grant Opportunities” button on the top of the page and then to go EPA opportunities).

Proposal packages submitted electronically through Grants.gov must be received by Grants.gov **by March 28, 2006**. Proposals received after this date will not be considered. Proposal materials submitted through grants.gov will be time/date stamped electronically.

Please be sure to view the additional instructions for applying electronically under this announcement through use of grants.gov that are available for download on Grants.gov and included in Attachment 2 to this announcement.

If you have any technical difficulties while applying electronically, please refer to <http://www.grants.gov/CustomerSupport>.

**DUNS:** All applicants applying for funding must have a Dun and Bradstreet Universal Data Numbering System (DUNS) number. Applicants who do not already have a DUNS number may find instructions for obtaining one at the following website: <http://www.grants.gov/GetStarted>. A DUNS number may also be obtained by calling 1-866-705-5711.

**Confidential Business Information:** In accordance with 40 CFR 2.203, applicants may claim all or a portion of their application/proposal as confidential business information. EPA will evaluate confidentiality claims in accordance with 40 CFR Part 2. Applicants must clearly mark applications/proposals or portions of applications/proposals they claim as confidential. If no claim of confidentiality is made, EPA is not required to make the inquiry to the applicant otherwise required by 40 CFR 2.204(c)(2) prior to disclosure.

**Pre-proposal Communications and Assistance:** EPA Region 9 will respond to questions regarding threshold eligibility criteria, administrative issues related to the submission of the proposal, and requests for clarification about the announcement. However, in accordance with EPA’s Competition Policy of January 11, 2005 (EPA Order 5700.5A1), EPA staff will not discuss draft proposals, provide informal comment on draft proposals, or provide advice on how to respond to ranking criteria. Tribes submitting proposals are responsible for their content.

## **V. Application Review Information**

### Criteria

Each proposal from an eligible applicant that meets the applicable threshold eligibility factors in Section III of the announcement will be evaluated by a panel of EPA staff based on the criteria set forth below.

Proposals must address each criterion. The evaluation criteria and corresponding point values are listed below. The maximum score is 106 points.

**46 points**      1. The degree and quality to which the proposal addresses an existing public health or water quality problem.

Ranking factors:

- a.      15 points: Extent to which the proposal addresses residential domestic problems.
- b.      15 points: Degree and quality to which the project addresses existing acute threats to health

Examples: Potential human exposure to microbiological contaminants through drinking water systems; contact exposure due to inadequate wastewater disposal

- c.      10 points: Degree and quality to which the project addresses existing water quality issue of significant environmental/ecological impact.

Example: Significantly degraded surface water; impacts to endangered species

- d.      3 points: Degree and quality to which the project addresses potential acute threats to health.
- e.      2 points: Degree and quality to which the project addresses long-term/chronic exposure to non-acute human health impacts.
- f.      1 point: Degree and quality to which the project addresses existing water quality issue that does not have a significant human health or ecological/environmental impact.

**10 points**      2. The extent and quality to which the proposal includes provisions for long-term operation and maintenance (O&M).

Ranking factors:

- a.      8 points: Extent and quality to which the applicant has existing infrastructure for long-term O&M

Examples: utility structure, water board, tribal O&M resolutions and ordinances

- b.      2 points: Extent and quality to which the applicant proposes infrastructure for long-term O&M



- 10 points** 3. The extent to which the proposal identifies sufficient funding to adequately finance the project.

Projects should have calculated costs for the following items: preliminary planning; engineering and design; parts, material, equipment and labor costs; construction management oversight; construction inspection; and, project administration (indirect and other costs).

- 10 points** 4. The degree and quality to which the proposal addresses planning, design, construction or related activities associated with drinking water and wastewater infrastructure improvements. Drinking water projects must address water quality issues, not supply (quantity) issues.

Eligible examples: engineering, environmental impact studies, inspection, administration

Ineligible examples: grant development costs, non-related equipment purchase such as vehicles and computers

- 10 points** 5. The extent to which the proposal reasonably demonstrates the applicants' ability to complete the project within 3 years. Factors to be evaluated will include the scope of the project, readiness to proceed, and the extent to which planning and/or design work has already been completed.

- 10 points** 6. Proposals will be evaluated based on the applicants plan/approach for tracking and measuring their progress towards achieving the expected outputs and outcomes that are identified in Section 1 of this announcement.

- 10 points** 7. Past Performance in Reporting on Results

Extent and quality to which the applicant adequately documented and/or reported on its progress towards achieving the expected results under all EPA assistance agreements similar in size, scope and relevance to the proposed agreement performed within the last three years, and if such progress was not being made whether the applicant satisfactorily explained why not.

In evaluating applicants under this factor, EPA will consider the information provided by the applicant and may also consider other relevant information from other sources, including information from EPA files and from current and prior Federal agency grantors (e.g., to verify and/or supplement the information provided by the applicant). Applicants with no relevant information for this factor will receive a neutral score for it.

An EPA review committee will evaluate those proposals that meet the threshold eligibility criterion in Section III against the factors identified above, and score and rank each such proposal. The committee will then submit its funding recommendations, based on the rankings, to the Manager, Tribal Office Water Division, who will make the final award determination

based on these recommendations and rankings. In making the final award determinations, the Manager will consider the review committee recommendations and rankings and may also consider other factors such as program balance and geographical diversity.

## **VI. Award Administration Information**

### Award Notices

EPA anticipates that it will select proposals on or around April 7, 2006. By May 5, 2006, the IHS must draft PS/MOAs for projects to be funded through an IAG with IHS, or Tribes must submit grant applications and workplans for projects to be awarded through a direct grant. An invitation to apply for funds is not a guarantee of funding. Deadlines must be met and the PS/MOA or application and workplan must be approved by EPA before funding can occur.

### Administrative and National Policy Requirements

The national policy requirements governing the award and administration of Assistance Agreements include 40 Code of Federal Regulations (CFR) Part 31, and 40 CFR Part 35, Subpart I. Regulations may be viewed at <http://www.epa.gov/ogd/grants/regulations.html>.

All costs incurred under this project must be allowable under the applicable OMB Cost Circulars. Copies of the circulars can be found at <http://www.whitehouse.gov/omb/circulars>. In certain circumstances costs incurred prior to the grant award may be eligible for reimbursement. However, this does not include any costs associated with responding to this solicitation or in finalizing the application package. If costs are incurred before the award, they are incurred at the applicant's or grantee's own risk.

Please note that federally funded infrastructure projects are subject to a detailed environmental review process under the National Environmental Policy Act (NEPA), the Endangered Species Act (ESA), the National Historic Preservation Act (NHPA) and other cross-cutting authorities. The NEPA process invites public participation regarding the proposed project and its potential effects. Substantive and potentially costly mitigation, impact avoidance, and monitoring measures are all potential outcomes of the environmental review process, particularly under ESA. These measures may include, but are not limited to monitoring and reporting potentially sensitive information such as water usage, groundwater levels, listed species, and cultural resources. The likelihood of these types of outcomes is dependent upon the number and sensitivity of the environmental and cultural issues identified during the environmental review process. For this reason, we strongly encourage the Tribe, at the earliest possible time, to contact the U.S. Fish and Wildlife Service, the National Marine Fisheries Services, and/or the State Historic Preservation Office to discuss potential endangered species or cultural resource impacts of the project and to identify possible outcome of the environmental review process.

### Consultation with the Border Environment Cooperation Commission

EPA will consult with the Border Environmental Cooperation Commission prior to award, in accordance with the legal requirements that apply to funding these projects.

## Reporting

Quarterly project status reports, a final project status report, and interim annual and final Financial Status Reports will be required. The quarterly reports must include brief information on each of the following areas: 1) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period; 2) the reasons for slippages if established outputs/outcomes were not met; and, 3) additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs.

## Award Notices

EPA anticipates that it will select proposals on April 7, 2006. By May 5, 2006, the IHS must draft PS/MOAs for projects to be funded through an IAG with IHS, or Tribes must submit grant applications and workplans for projects to be awarded through a direct grant. An invitation to apply for funds is not a guarantee of funding. Deadlines must be met and the PS/MOA or application and workplan must be approved by EPA before funding can occur. To receive a direct grant from EPA, a Tribe must demonstrate that it has the capacity to manage the project and comply with all applicable federal requirements.

## Disputes

Assistance agreement competition-related disputes will be resolved in accordance with the dispute resolution procedures published in 70 Federal Register (FR) 3629, 3630 (January 26, 2005) which can be found at <http://a257.g.akamaitech.net/7/257/2422/01jan20051800/edocket.access.gpo.gov/2005/05-1371.htm>. Copies of these procedures may be requested by contacting the Agency Contact list below.

## **VII. Agency Contact**

For additional information, please contact:

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EPA Region IX, WTR-10  
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